IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10541 of 2006

Dated: 6th June, 2006

Between:

R.Subhashini

.. Petitioner

and

The District Collector, Ananthapur & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10541 of 2006

ORDER:

This writ petition is directed against an order passed by the first respondent-District Collector in his File No.KA/ATP/164/2006 dated 12.3.2006 refusing to grant stay of operation of the impugned order as confirmed by the second respondent-Joint Collector i.e. the order passed by the third respondent-Revenue Divisional Officer canceling the fair price shop dealership of the petitioner. In fact, against the order of the third respondent-RDO dated 22.10.2005, the petitioner had filed an

appeal before the 2nd respondent-Joint Collector along with stay application and when the Joint Collector refused to grant stay, petitioner filed W.P.No.26398 of 2005. This Court prima facie found that without conducting any enquiry pursuant to the explanation submitted by the petitioner, her authorization was cancelled, which is illegal. However, without going into the merits, granted stay of the impugned order dated 22.10.2005 during the pendnecy of appeal. The second respondent-appellate authority dismissed the appeal and aggrieved by which, the petitioner filed revision before the first respondent-District Collector along with stay application seeking stay of cancellation of her authorization, which was rejected by the first respondent by order dated 12.3.2006. Hence the writ petition.

I am of the opinion that in the facts and circumstances of the case, the petitioner is entitled for grant of suspension of the order passed by the third respondent-Revenue Divisional Officer dated 22.10.2005 as confirmed by the second respondent-Joint Collector, during the pendency of revision filed by the petitioner before the first respondent-District Collector.

Therefore, there shall be stay of operation of the impugned order dated 22.10.2005 as confirmed by the second respondent, during the pendency of revision before the first respondent. However, the first respondent is directed to dispose of the revision within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is accordingly disposed of. No order as to costs.

C.V.RAMULU, J

Date: 6.6.2006

Note:
C.C. in (2) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10541 of 2006

6.6.2006